

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES W. RILEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 06-001-GMS
STANLEY TAYLOR, THOMAS	)	
CARROLL, DAVID PIERCE, AMY	)	Jury Trial Demanded
MUNSON, MEDICAL ASSISTANT	)	
MALANEY, CORRECTIONAL	)	
MEDICAL SYSTEMS, FIRST	)	
CORRECTIONAL MEDICAL,	)	
	)	
Defendants.	)	

**RESPONSE OF DEFENDANTS, CORRECTIONAL MEDICAL SERVICES, INC. AND  
CHRISTINE MALANEY, TO PLAINTIFF'S MOTION TO AMEND THE COURT'S  
SEPTEMBER 26, 2007 SCHEDULING ORDER**

Defendants, Correctional Medical Services, Inc., ("CMS") and Christine Malaney, through their undersigned counsel, hereby submit this Response to Plaintiff's Motion to Amend the Court's September 26, 2007 Scheduling Order and, in support thereof, aver as follows:

1. On September 26, 2007, this Honorable Court issued a Scheduling Order. (D.I. 75)<sup>1</sup> As ordered by the Court, both plaintiff and defendants have initiated discovery. On October 18, 2007, plaintiff propounded Interrogatories and Request for Production of Documents directed to defendants. (D.I. 76; D.I. 77) On October 31, 2007, defendants propounded Interrogatories and Request for Production of Documents to plaintiff. (D.I. 79) Defendants responded to plaintiff's discovery requests on November 15, 2007. (D.I. 81; D.I. 82). Plaintiff propounded a Request for Production to Defendants on March 24, 2008. (D.I. 100)
2. On December 17, 2007, plaintiff filed a Motion to Amend Scheduling Order (D.I. 91), which neither CMS nor the remaining State Defendants have opposed.

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<sup>1</sup> The Scheduling Order was the first entered by the Court and there have been no prior amendments to it.

3. As evidenced by plaintiff's letter to the Court dated June 11, 2008, there have been some recent developments in this month particularly with respect to plaintiff's medical treatment at issue in this case. Plaintiff's June 11, 2008 letter is attached hereto as Exhibit "A". CMS agrees to obtain and provide these updated medical records upon receipt of same. Defendants discovery requests to plaintiff must still be answered. In addition, plaintiff has recently filed a Motion for leave to depose Dr. Louis Desrosiers. (D.I.92) In light of these recent developments and discovery requests, CMS agrees that the September 26, 2007 Scheduling Order should be amended to permit conclusion of the discovery process. A Proposed Amended Scheduling Order is attached hereto as Exhibit "B".

WHEREFORE, defendants, CMS and Christine Malaney, respectfully move this Honorable Court to enter the attached Amended Scheduling Order.

MARSHALL, DENNEHEY, WARNER,  
COLEMAN AND GOGGIN

BY: /s/ Kevin J. Connors  
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Date: June 18, 2008